

**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Petition for
Termination of Probation of:**

ANTHONY B. REDDY, M.D.

**Physician's and Surgeon's
Certificate No. C-43010**

Respondent.

OAH No: L2007080813

Case No: 20-2004-158330

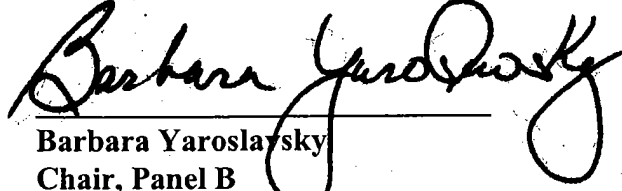
DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective at 5:00 p.m. on January 18, 2008.

DATED December 19, 2007

MEDICAL BOARD OF CALIFORNIA



Barbara Yaroslowsky
Chair, Panel B
Division of Medical Quality

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Termination
of Probation of:

ANTHONY B. REDDY, M.D.,

License No. C43010

Petitioner.

OAH No. L2007080813

MBC No: 20-2004-158330

PROPOSED DECISION

Administrative Law Judge Greer D. Knopf, State of California, Office of Administrative Hearings, heard this matter in San Diego, California, on November 5, 2007.

Harinder Kapur, Deputy Attorney General, California Department of Justice, appeared on behalf of the Attorney General, State of California, and the people of the State of California pursuant to Government Code section 11522.

Mark A. Levin, Attorney at Law, appeared on behalf of petitioner, Anthony B. Reddy, M.D., who was present at the hearing.

The matter was submitted on November 5, 2007.

FACTUAL FINDINGS

1. The Petition for Termination of Probation (petition), dated January 10, 2007, was filed with the Medical Board of California (the Board) by petitioner Anthony B. Reddy (petitioner) seeking early termination of probation of his physician's and surgeon's certificate. Petitioner attached numerous documents to his petition, including: Petitioner's narrative statement, letters of recommendation, copies of the previous disciplinary pleadings and decisions in this case; a 1999 evaluation report from Dr. Raymond E. Anderson evaluating petitioner; a 2004 psychiatric evaluation report of Dr. Dominick Addario evaluating petitioner; a November 30, 2006 updated psychiatric evaluation report of Dr. Addario; an October 25, 2006 letter from petitioner's therapist Dr. Rosalyn M. Laudati; a

March 16, 2005 notification from the Board that petitioner has passed the Oral Examination he took on February 22, 2005; and numerous records regarding continuing education courses taken by petitioner. The matter was set for hearing and the proceeding herein followed.

2. Effective June 2, 1999, the Board accepted petitioner's surrender of his California physician's and surgeon's license number C-43010. Petitioner had previously held a medical license in the state of New York as well. Petitioner's surrender of his California medical license was based on a stipulation wherein petitioner admitted his New York license to practice medicine had been revoked effective January 20, 1998 (the New York discipline). The New York discipline was imposed after a six-day hearing where witnesses testified and petitioner was represented by counsel. The New York State Board for Professional Medical Conduct (the New York Board) revoked petitioner's medical license and petitioner appealed that decision. The appellate court in New York rejected petitioner's appeal. Pursuant to the terms of the subsequent stipulated settlement between petitioner and the California Board, the Board may consider the charges in the accusation to be true for purposes of determining whether to grant reinstatement of petitioner's license.

3. The New York discipline was based on the determination that petitioner was guilty of engaging in conduct in the practice of medicine which evidenced moral unfitness to practice medicine, willfully harassing, abusing, or intimidating a patient either physically or verbally, the negligent practice of medicine on more than one occasion, and failure to maintain medical records. In 1983, during a gynecological examination of a 19-year-old female patient, who was also petitioner's office employee in Malone, New York, petitioner rubbed the genitals of the patient without a medical indication for doing so. Petitioner then exposed his genitals to the patient. At some point, petitioner performed an unnecessary and unrequested hymenotomy on the patient in his examination room. Subsequently, during another examination on this patient, petitioner had the patient lie on the floor and he had intercourse with her. This sexual encounter was coerced by petitioner.

Thereafter, petitioner engaged in an ongoing consensual sexual affair with the patient while she was still an employee at petitioner's office. The affair lasted more than two years. Petitioner was married and did not want to leave his wife. On several occasions, petitioner injected the patient with Valium in conjunction with sexual activity with her. Petitioner claims he did this to calm her down after sexual activity when he had to leave to go home to his wife and there is no evidence and no prior findings that contradict this claim. Petitioner did not maintain any medical records for this patient. The patient continued to work for petitioner for approximately ten years after their sexual activity ended.

4. Petitioner was born in Guntur, India where he obtained his medical degree. He practiced in India for a short time before moving to the United States in 1970. He eventually settled in rural New York where he practiced as an urologist in Malone, New York until the Board revoked his license. Petitioner devoted his professional career to serving the underserved rural community where he lived. The incidents that lead to the revocation of petitioner's license occurred over 20 years ago. After losing his medical license, petitioner worked as a Microsoft certified computer professional after going back to school for training. While petitioner did not have a medical license, he nevertheless

continued to keep current in medical advancements in urology and continued to take numerous hours of CME courses. In 1999, petitioner voluntarily completed the PACE program on medical record keeping for physicians, two courses in medical ethics, and a PACE program on physician prescribing. Petitioner also completed the PACE program on professional boundaries. He also continued to be active in community service, donating his time to his neighborhood schools, to his church, and local hospital where he continued to serve on the board of directors until 2003.

5. In June 2001, petitioner filed his first petition for reinstatement of his medical license in California. In June 2002, after a hearing, the Board determined that petitioner had not yet undergone sufficient rehabilitation to establish that he should be reinstated to the medical profession.

6. In June 2004, petitioner filed a second petition for reinstatement with the Board. After a hearing, the Board granted this petition and reinstated petitioner placing him on five years probation. The Board found this time that petitioner had demonstrated rehabilitation and concluded that petitioner no longer posed a threat to the public if he were allowed to practice medicine under the terms and conditions of probation. The Board imposed 22 conditions of probation with which petitioner was required to comply during his five years of probation. The decision to reinstate petitioner became effective January 10, 2005. Among the 22 conditions of probation, petitioner was required to do the following:

- A. Refrain from ordering, prescribing, dispensing, administering or possessing any controlled substances until he obtained prior consent of the Board to obtain his DEA permit;
- B. Refrain from reapplying for a new DEA permit until the Board gave prior written consent;
- C. Complete 40 hours per year of Board approved continuing education courses over and above the required courses for licensure;
- D. Complete a Board approved prescribing course;
- E. Complete a Board approved ethics course;
- F. Complete a Board approved clinical training program equivalent to the Physician Assessment and Clinical Education Program (PACE) offered at the University of California San Diego School of Medicine;
- G. Take and pass an oral and /or written examination administered by the Board;
- H. Always have a third party chaperone present in the examination room while consulting, examining, or treating female patients;
- I. Participate in psychotherapy until the Board deems it no longer necessary;
- J. Hire a practice monitor approved by the Board for his medical practice and participate in a practice monitoring plan;
- K. Refrain from engaging in a solo medical practice; and
- L. Refrain from supervising physician assistants.

In addition to these requirements, petitioner was required to cooperate with the Board's Probation Unit and pay all costs associated with the terms and conditions of probation.

7. Since petitioner's medical license was reinstated, he has fully complied with all terms and conditions of probation. When petitioner's medical license was first reinstated in January 2005, within the next four months he took and passed the oral clinical examination, completed the ethics course, completed the prescribing course, and completed the clinical training program as ordered. In November 2005, petitioner was able to find employment as a physician. Petitioner went to work part-time at the Advanced Urology Medical Center (Medical Center). Dr. Manilal Mehta, a Board Certified Urologist, serves as petitioner's practice monitor at the Medical Center. In December 2005, petitioner was issued a DEA certificate with the prior written consent of the Board. Petitioner has continued to work at the Medical Center for the last two years. Dr. Mehta still serves as petitioner's practice monitor. Petitioner always has a chaperone in the room when he sees female patients and he wisely plans to continue to do so even if his probation is terminated. Petitioner has also continued to participate in psychotherapy with Dr. Laudati. Petitioner continues to successfully comply with all of the requirements of his probation.

8. In the last proceeding, this administrative law judge was very impressed with petitioner's showing of rehabilitation. After one year in therapy, petitioner's therapist, Dr. Laudati, believed petitioner would not pose any threat to the public if he were to return to the practice of medicine. Dr. Laudati believed that petitioner was fully rehabilitated and very motivated to do the right thing. Dr. Addario, a board certified psychiatrist, evaluated petitioner and also determined he could safely return to the medical profession. Petitioner further demonstrated he has stable relationships with his adult children and ex-wife, and has a supportive extended family available and willing to help him. He also demonstrated sincere remorse for his prior bad actions as well as a commitment to community service. He further established he was committed to getting his life back on track and keeping it there. Therefore, petitioner was given the opportunity to begin practicing medicine again.

9. Petitioner now seeks to terminate his probation. He has willingly and enthusiastically complied with all that has been asked of him as part of his probation. He has been re-evaluated by Dr. Addario who believes there is "virtually no evidence of risk for recidivism" in this case. Dr. Addario strongly recommends the early termination of probation without limitations or restrictions on petitioner. Dr. Laudati opines that petitioner now "has a strong foundation of knowledge regarding boundaries" and concludes that petitioner "represents no danger to the public in practicing urology" and that his continued therapy is not necessary for public protection. Petitioner continues to impress this administrative court with his insight into his problems and his determination to do whatever it takes to never have a reoccurrence of his past bad acts. Petitioner is now fully equipped with the tools to prevent any such reoccurrence. He has established he no longer poses a threat to public safety. It would not be against the public interest to grant petitioner an early termination of his probation.

10. At the hearing, the Attorney General did not oppose the granting of this petition.

LEGAL CONCLUSIONS

1. Business and Professions Code section 2307 provides in part:

“... the administrative law judge hearing the petition may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner’s activities during the time the certificate was in good standing, and the petitioner’s rehabilitative efforts, general reputation for truth, and professional ability.”

2. Business and Professions Code section 2229 provides in part:

“(a) Protection of the public shall be the highest priority for the Division of Medical Quality . . . and administrative law judges of the Medical Quality Hearing Panel in exercising their disciplinary authority.”

3. Title 16, California Code of Regulations, section 1360.2 provides in part:

“When considering a petition for reinstatement of a license, certificate or permit holder pursuant to the provisions of Section 11522 of the Government Code, the division or panel shall evaluate evidence of rehabilitation submitted by the petitioner considering the following criteria:

(a) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(b) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480.

(c) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsections (a) or (b).

(d) In the case of a suspension or revocation based upon the conviction of a crime, the criteria set forth in Section 1360.1, subsections (b), (d) and (e).

(e) Evidence, if any, of rehabilitation submitted by the applicant.”

4. In a proceeding to restore a disciplined professional’s license, the burden rests on a petitioner to prove he has rehabilitated himself and he is entitled to have his license restored. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398.) A

person seeking reinstatement or early termination of probation must present strong proof of rehabilitation and a sufficient showing of rehabilitation to overcome the former adverse determination.

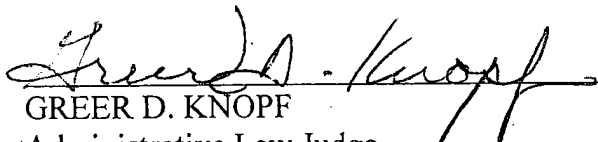
5. Petitioner presented substantial evidence that he should be granted early termination of his probationary term. He has complied with each and every term of his probation and has been a cooperative probationer during his probation. Petitioner's evidence of rehabilitation established he does not represent a threat to the public and continuation of probation would not further protect the public. Petitioner established his petition should be granted, as set forth in Findings 1-10.

6. Cause to grant the petition for penalty relief by terminating probation was established as set forth in Findings 1-10.

ORDER

The petition of Anthony B. Reddy, M.D., for penalty relief by terminating probation for physician's and surgeon's certificate number C 43010 is hereby granted. Probation shall terminate upon the effective date of this decision.

DATED: 11-26-07


GREER D. KNOPF
Administrative Law Judge
Office of Administrative Hearings